THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24534 of 2005

Date: 17.11.2005

Between:

Veeramalla Mahalakshmaiah.

.. PETITIONER

AND

The Superintendent Engiener, R&B, Kakinada, E.G.District and another.

.. RESPONDENTS

ORDER:

The petitioner claims that he is the owner of the house property bearing Dr.No.3-184 (Old No.3-330), situated at Punyakshetram Village, Rajangaram Mandal, East Godavari District. He complains that the respondents have marked substantial portion of the building for demolition, in the process of road widening. The petitioner alleges that he was not issued any notice, much less proceedings under the Land Acquisition Act, 1894 (for short 'the Act') were initiated, for acquiring the said portion of the property.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

If the house or any immovable property of the petitioner is needed for the purpose of widening the road, the respondents are under obligation to acquire the same in accordance with law or to take possession of the same with the

consent of the petitioner. They are not entitled to mark and demolish the premises without following the procedure prescribed by law.

For the foregoing reasons, the Writ Petition is disposed of, directing that in case any portion of the premises belonging to the petitioner is needed for the purpose of widening the road, the respondents shall be entitled to take possession of the same, only after following the procedure prescribed by law viz., initiating proceedings under the Act or taking possession of the same after negotiations with the petitioner. It is, however, made clear that in case any portion of the house is found in the road margin, it shall not be necessary for the respondents to pay compensation, but they shall be under obligation to put the petitioner on notice for their proposed action. There shall be no order as to costs.

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17.11.2005

Note: Issue C.C. in two days.

(B/o)

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